



February 9, 2001

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## SENATE BILL No. 218

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DIGEST OF SB 218 (Updated February 8, 2001 2:01 PM - DI 106)

**Citations Affected:** IC 16-18; IC 16-36; noncode.

**Synopsis:** Collection, possession, and use of DNA. Provides that an individual owns the individual's DNA. Requires a person who draws blood to obtain an individual's DNA for the purpose of isolating, possessing, or using the DNA to provide certain information and obtain consent for the isolation, possession, or use of the DNA. Requires a person to obtain written consent from an individual before using the individual's DNA for a specific purpose. Requires the state department of health to develop and make available a consent form for use by persons drawing an individual's blood to obtain DNA in order to isolate, possess, or use the DNA. Makes certain exceptions.

**Effective:** Upon passage; July 1, 2001.

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**Miller, Ford**

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January 9, 2001, read first time and referred to Committee on Judiciary.  
February 8, 2001, amended, reported favorably — Do Pass.

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SB 218—LS 6511/DI 104+



February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 218

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-69 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 69. (a) "Consent", for  
3 purposes of IC 16-34, means a written agreement to submit to an  
4 abortion:

5 (1) after the consenting party has had a full explanation of the  
6 abortion procedure to be performed, including disclosures and  
7 information required by IC 16-34-2-1.1; and

8 (2) as evidenced by the signature of the consenting party on a  
9 consent form prescribed by the state department of health.

10 (b) "Consent", for purposes of IC 16-36-6, has the meaning set  
11 forth in IC 16-36-6-1.

12 SECTION 2. IC 16-18-2-98.9 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2001]: Sec. 98.9. "DNA", for purposes of  
15 IC 16-36-6, has the meaning set forth in IC 16-36-6-2.

16 SECTION 3. IC 16-36-6 IS ADDED TO THE INDIANA CODE AS  
17 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2001]:

**Chapter 6. Consent to Drawing and Use of DNA**

**Sec. 1. As used in this chapter, "consent" means a written agreement to allow a person to collect a sample from the individual for the purpose of obtaining the individual's DNA in order to be isolated and used for a specific purpose after the consenting party has:**

- (1) received a full explanation of the specific use, storage, disposal, confidentiality provisions, and costs; and**
- (2) signed a consent form prescribed by the state department or other form that includes the information required under this chapter.**

**Sec. 2. As used in this chapter, "DNA" refers to deoxyribonucleic acid. DNA is located in the nucleated cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.**

**Sec. 3. This chapter does not apply to the:**

- (1) uses of DNA contained in the Indiana DNA database described in IC 10-1-9;**
- (2) use of nonidentifying data generated by a laboratory conducting DNA analysis described in IC 20-12-34.5;**
- (3) use of results of forensic DNA analysis in a criminal trial or hearing under IC 35-37-4-13;**
- (4) use of forensic DNA analysis by a law enforcement agency in the exercise of the law enforcement agency's investigative function.**
- (5) collection or use of DNA as a part of research activities that are subject to federal law or policies governing medical or clinical research; or**
- (6) use of DNA in compliance with a court ordered test.**

**Sec. 4. This chapter does not apply to samples of DNA that were collected before July 1, 2001.**

**Sec. 5. A form described in section 1(2) of this chapter must specify that the purpose and use for which the person's DNA is being isolated may include:**

- (1) the storage of the DNA sample for possible future medical research; and**
- (2) the sharing of the DNA with another person as part of a medical research collaboration.**

**Sec. 6. (a) An individual owns the individual's DNA.**

**(b) By signing a consent form that meets the requirements of**



1 this chapter, an individual may:

2 (1) assign, convey, or transfer certain rights in the individual's  
3 DNA to others; or

4 (2) authorize others to use the individual's DNA;  
5 as described in the consent form.

6 Sec. 7. A person who collects a sample from an individual to  
7 obtain DNA for the purpose of isolating the individual's DNA for  
8 any purpose shall:

9 (1) inform the individual of the taking of a sample to obtain  
10 DNA from the individual; and

11 (2) obtain consent from the individual for the collection of a  
12 sample from the individual to obtain the individual's DNA.

13 Sec. 8. A person who collects a sample from an individual to  
14 obtain DNA for the purpose of isolating the individual's DNA  
15 under section 7 of this chapter may not provide:

16 (1) the DNA; or

17 (2) any information regarding the DNA, including the  
18 existence of the DNA;

19 to any other person without the individual's consent.

20 Sec. 9. A person who possesses an individual's DNA may not use  
21 the DNA for any purpose unless the person:

22 (1) informs or has informed the individual that the person  
23 possesses the individual's DNA;

24 (2) informs or has informed the individual regarding the  
25 specific use and specific purpose of the use of the DNA; and

26 (3) obtains or has obtained written consent from the  
27 individual for the specific use of the DNA.

28 Sec. 10. A person who knowingly, intentionally, or recklessly  
29 violates this chapter commits a Class A misdemeanor.

30 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The state  
31 department of health shall, in accordance with IC 16-36-6, as  
32 added by this act, and before July 1, 2001, develop and make  
33 available a consent form that contains the information required  
34 under IC 16-36-6, as added by this act.

35 (b) This SECTION expires July 1, 2002.

36 SECTION 5. An emergency is declared for this act.



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SENATE MOTION

Mr. President: I move that Senator Ford be added as second author of Senate Bill 218.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 218, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, delete "an individual's blood to be drawn" and insert **"a person to collect a sample from the individual"**.

Page 2, line 9, delete "." and insert **"or other form that includes the information required under this chapter."**

Page 2, line 21, after "35-37-4-13;" delete "or".

Page 2, between lines 24 and 25, begin a new line block indented and insert:

**"(5) collection or use of DNA as a part of research activities that are subject to federal law or policies governing medical or clinical research; or**

**(6) use of DNA in compliance with a court ordered test.**

**Sec. 4. This chapter does not apply to samples of DNA that were collected before July 1, 2001.**

**Sec. 5. A form described in section 1(2) of this chapter must specify that the purpose and use for which the person's DNA is being isolated may include:**

**(1) the storage of the DNA sample for possible future medical research; and**

**(2) the sharing of the DNA with another person as part of a medical research collaboration."**

Page 2, line 25, delete "4." and insert **"6. (a)"**.

Page 2, between lines 25 and 26, begin a new paragraph and insert:

**"(b) By signing a consent form that meets the requirements of this chapter, an individual may:**

**(1) assign, convey, or transfer certain rights in the individual's DNA to others; or**

**(2) authorize others to use the individual's DNA; as described in the consent form."**

Page 2, line 26, delete "5." and insert **"7."**

Page 2, line 26, delete "draws an individual's blood" and insert **"collects a sample from an individual"**.

Page 2, line 29, delete "drawing of blood" and insert **"taking of a sample"**.

Page 2, line 31, delete "drawing of the" and insert **"collection of a sample from the individual to obtain the individual's DNA."**

Page 2, delete line 32.

Page 2, line 33, delete "6." and insert **"8."**

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Page 2, line 33, delete "draws an individual's blood" and insert **"collects a sample from an individual"**.

Page 2, line 34, delete "4" and insert **"7"**.

Page 2, line 40, delete "7." and insert **"9."**.

Page 2, line 42, after "informs" insert **"or has informed"**.

Page 3, line 2, after "informs" insert **"or has informed"**.

Page 3, line 4, after "obtains" insert **"or has obtained"**.

Page 3, line 6, delete "8." and insert **"10."**.

Page 3, line 11, delete "to be used by a person who draws an" and insert **"that contains the information required under IC 16-36-6, as added by this act."**.

Page 3, delete lines 12 through 13.

and when so amended that said bill do pass.

(Reference is to SB 218 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 0.

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